

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CLINTON HENDERSON and
ANDREW OLINDE, individually and
on behalf of all other similarly situated
individuals,

Civil Action No.: 1:13-cv-3767-TWT

Plaintiffs,

v.

1400 NORTHSIDE DRIVE, INC. d/b/a
SWINGING RICHARDS and C.B.
JONES,

Defendants.

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON
DEFENDANTS' CREATIVE PROFESSIONAL EXEMPTION DEFENSE**

Now come Plaintiffs in the above-captioned matter, by Counsel, and move this Court to grant Plaintiffs' Motion for Partial Summary Judgment On Defendants' Creative Professional Exemption Defense, holding as a matter of law that Defendants have failed to satisfy the elements of the creative professional exemption to the Fair Labor Standards Act, 29 U.S.C. § 213(a)(1) and 29 C.F.R. §§ 541.300, 302. This motion is made pursuant to Fed. R. Civ. P. 56.

Dated: October 17, 2014

NICHOLS KASTER, PLLP

/s/ Timothy C. Selander

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COLLECTIVE**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CERTIFICATE OF SERVICE

Henderson et al. v. 1400 Northside Drive, Inc. d/b/a Swinging Richards
Court File No.: 1:13-cv-3767-TWT

I hereby certify that on October 17, 2014, I caused the following documents to be served:

**Plaintiffs' Motion for Partial Summary Judgment
on Defendants' Creative Professional Exemption Defense**

I caused the above-listed document(s) to be served by electronic mail with consent to the following persons at the following address(es):

Herbert P. Schlanger Ga. Bar Number 629330 hschlanger@bellsouth.net herb@schlanger.com Law Office of Herbert P. Schlanger Suite 1890 230 Peachtree Street, N.W. Atlanta, GA 30303 404-808-6659	WM Scott Schulten Ga. Bar Number 630272 wss@swtlaw.com Susan K. Murphey Ga. Bar Number 408498 skm@swtlaw.com Dean R Fuchs Ga. Bar Number 279170 drf@swtlaw.com Schulten Ward & Turner, LLP 260 Peachtree Street NW Suite 2700 Atlanta, GA 30303 404-688-6800
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Attorneys for 1400 Northside Drive, Inc. d/b/a Swinging Richards

Dated: October 17, 2014

/s/ Timothy C. Selander
Timothy C. Selander

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned counsel for Plaintiffs certifies that this document has been prepared in Times New Roman, 14-point font, which is one of the fonts and point selections approved by the Court in Local Rule 5.1(B).

Dated: October 17, 2014

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